

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

PERNOD RICARD USA, LLC,	)	
	)	
Plaintiff,	)	C.A. No. 06-505 (SLR)
	)	
v.	)	
	)	
BACARDI U.S.A., INC.,	)	
	)	REDACTED PUBLIC VERSION
Defendant.	)	

**DECLARATION OF THOMAS R. LALLA JR. IN SUPPORT OF  
PERNOD RICARD USA, LLC'S OPPOSITION TO BACARDI U.S.A., INC.'S  
MOTION TO TRANSFER VENUE TO THE SOUTHERN DISTRICT OF FLORIDA**

MORRIS, NICHOLS, ARSHT & TUNNELL LLP  
Jack B. Blumenfeld (#1014)  
Rodger D. Smith II (#3778)  
1201 N. Market Street  
P.O. Box 1347  
Wilmington, DE 19899-1347  
(302) 658-9200  
*Attorneys for Plaintiff*  
*PERNOD RICARD USA, LLC*

OF COUNSEL:

Herbert F. Schwartz  
Vincent N. Palladino  
Pablo D. Hendlar  
ROPES & GRAY LLP  
1251 Avenue of the Americas  
New York, NY 10020  
(212) 596-9000

Original Version Filed October 6, 2006  
Public Version Filed October 16, 2006

IN THE UNITED STATES DISTRICT COURT FOR THE  
DISTRICT OF DELAWARE

.....X

PERNOD RICARD USA, LLC

Plaintiff, :  
v. : C.A. No. 06-505-SLR

BACARDI U.S.A., INC., :  
Defendant. :  
.....X

DECLARATION OF THOMAS R. LALLA JR.  
IN SUPPORT OF PERNOD RICARD USA, LLC'S  
OPPOSITION TO BACARDI U.S.A., INC.'S MOTION TO TRANSFER VENUE  
TO THE SOUTHERN DISTRICT OF FLORIDA

1. I am General Counsel and Senior Vice-President of Administration and Legal Affairs of Pernod Ricard USA, LLC, located at 100 Manhattanville Road, Purchase, New York 10577.

2. I am properly authorized to execute this Declaration on behalf of Pernod Ricard USA, LLC.

3. Pernod Ricard USA, LLC is a leading producer, importer and marketer of spirits, including vodka and rum, in the United States. Its brands include MALIBU rum and STOLICHNAYA vodka.

4. Pernod Ricard USA, LLC sells its MALIBU and STOLICHNAYA products in all fifty of the United States, including Delaware.

**REDACTED**

5. Pernod Ricard USA, LLC's "net sales"<sup>1</sup> for fiscal year 2006<sup>2</sup> in the United States were

6. Pernod Ricard USA, LLC's "net sales" of MALIBU rum products for fiscal year 2006 in the United States were

7. Pernod Ricard USA, LLC's "net sales" of STOLICHNAYA vodka products for fiscal year 2006 in the United States were

8. In fiscal year 2006, Pernod Ricard USA, LLC spent ) on marketing, advertising, and promotion in the United States, which includes Delaware.

9. In fiscal year 2006, Pernod Ricard USA, LLC spent ) on marketing, advertising, and promotion of its MALIBU rum products in the United States, which includes Delaware.

10. In fiscal year 2006, Pernod Ricard USA, LLC spent ) on marketing, advertising, and promotion of its STOLICHNAYA vodka products in the United States, which includes Delaware.

11. Pernod Ricard USA, LLC's "net sales" to its Delaware distributor in fiscal year 2006 were

12. Pernod Ricard USA, LLC's "net sales" of MALIBU rum products to its Delaware distributor were ) in fiscal year 2006.

---

<sup>1</sup> The term, "net sales," means:

<sup>2</sup> Pernod Ricard USA, LLC's 2006 fiscal year was July 1, 2005 through June 30, 2006. The figures for the Malibu and Stolichnaya brands, for which Pernod Ricard USA, LLC's parent acquired distribution rights in July 2005, are from August 1, 2005 through June 30, 2006.

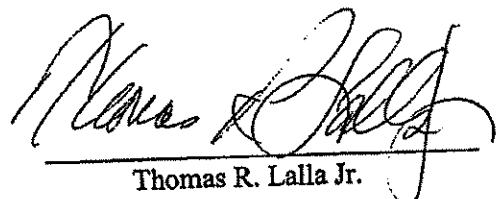
**REDACTED**

13. Pernod Ricard USA, LLC's "net sales" of STOLICHNAYA vodka products to its Delaware distributor were

14. Pernod Richard USA, LLC's witnesses and records concerning sales and advertising of its products are located in Purchase, New York.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Signed this 12 day of October, 2006.



A handwritten signature in black ink, appearing to read "Thomas R. Lalla Jr." The signature is fluid and cursive, with "Thomas" and "R. Lalla Jr." clearly legible.

Thomas R. Lalla Jr.

**CERTIFICATE OF SERVICE**

I hereby certify that on October 6, 2006 I electronically filed the foregoing with the Clerk of the Court using CM/ECF, which will send notification of such filing to William J. Wade.

I further certify that I caused copies of the foregoing document to be served on October 6, 2006 upon the following in the manner indicated:

**BY HAND**

William J. Wade  
Anne Shea Gaza  
Richards, Layton & Finger, P.A.  
One Rodney Square  
920 North King Street  
Wilmington, DE 19801

**BY FEDERAL EXPRESS**

Eugene D. Gulland  
Covington & Burling LLP  
1201 Pennsylvania Avenue, N.W.  
Washington, DC 20004

William R. Golden, Jr.  
Kelley Drye & Warren LLP  
101 Park Avenue  
New York, NY 10178

*/s/ Jack B. Blumenfeld (#1014)*  
Jack B. Blumenfeld (#1014)  
jblumenfeld@mnat.com

**CERTIFICATE OF SERVICE**

I hereby certify that on October 16, 2006 I electronically filed the foregoing with the Clerk of the Court using CM/ECF, which will send notification of such filing to William J. Wade.

I further certify that I caused copies of the foregoing document to be served on October 6, 2006 upon the following in the manner indicated:

**BY EMAIL**

Anne Shea Gaza  
Richards, Layton & Finger, P.A.  
One Rodney Square  
920 North King Street  
Wilmington, DE 19801

Eugene D. Gulland  
Covington & Burling LLP  
1201 Pennsylvania Avenue, N.W.  
Washington, DC 20004

William R. Golden, Jr.  
Kelley Drye & Warren LLP  
101 Park Avenue  
New York, NY 10178

/s/ Jack B. Blumenfeld (#1014)  
Jack B. Blumenfeld (#1014)  
jblumenfeld@mnat.com